

COUNTY OF YORK

MEMORANDUM

DATE: May 7, 2004 (BOS Mtg. 6/1/04)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. PD-15-03, McCale Development Corporation

ISSUE

This application seeks to amend the conditions of approval for the Colony Pines Planned Development to be constructed on the north side of Denbigh Boulevard (Route 173) at the Newport News city line. This development was originally approved by the Board of Supervisors on January 7, 1993, through the adoption of Ordinance No. O92-35(R). The applicant is requesting to increase the maximum lot coverage ratio for single-family development from 25% to 35% for one-story homes on 36 designated lots in the development. Originally this application sought to increase the maximum lot coverage to 35% throughout the development and also to reduce the minimum building separation between any two adjacent single-family detached homes from 20 feet to 15 feet; this component of the request has since been withdrawn by the applicant.

BACKGROUND

In January 1993 the Board voted 3:2 to approve an application to rezone from OPR (Office/Professional/Research) to PD-RC (Planned Development-Residential Community) approximately 123.4 acres on the north side of Denbigh Boulevard (Route 173) adjacent to the Newport News city line subject to conditions. This was but one component of a much larger proposal including requests to rezone the frontage on both sides of Denbigh Boulevard to a commercial zoning designation; to approve a second Planned Development (known as South Park) on the south side of Denbigh Boulevard under the Affordable Housing Incentive Provisions (AHIP); and to rezone additional property from OPR to IL (Limited Industrial). The Board approved this application largely because it would provide for the extension of utilities, at the developer's expense, to this area of Denbigh Boulevard, which was one of the designated Economic Development Priority Areas in the Comprehensive Plan. In addition, it was seen as an opportunity to promote housing affordability, particularly through the approval of an affordable housing project. Staff recommended denial of the application mainly because of the development's impact on school enrollment and its inconsistency with the Comprehensive Plan. Staff's position was that to introduce residential development into this commercially zoned area on the outskirts of the County would lead to school costs that, over time, would exceed the cost that the County would incur if it extended the utilities itself. The applicant stated that without the residential development the utility extension would be cost prohibitive. In addition, he maintained that because of the commercial property along Denbigh Boulevard, the proposal constituted a Mixed Use development and therefore was indeed consistent with the Comprehensive Plan, which at the time designated this area for Office/Professional/Research but also stated that this

area “could be considered an appropriate location for a master-planned type of mixed use development “

The conditions of approval for Colony Pines specify that the maximum lot coverage for all structures (principal and accessory) on any residential lot shall be twenty-five percent (25%). This lot coverage restriction was originally recommended by staff as a means of controlling the bulk of development (the relationship of building area to lot area) in Colony Pines. As stated in a memorandum from then County Administrator Daniel Stuck to the Board dated October 1, 1992, “*Staff suggests that conditions be attached to any approval which would serve to limit the bulk of residences constructed on the lots. Currently, the planned developments of the Bluffs, Coventry and the Villages of Kiln Creek have a maximum lot coverage restriction of 25% for principal and accessory structures. Placing this limit on Colony Pines would result in lot coverages in the 1,375-2,000 ft² range. All of the house designs submitted with the application could be accommodated on lots in this range, although the larger homes would not fit on the smaller lots. This range also appears to be consistent with the houses in the existing Colony Pines subdivision in Newport News.*” The County Administrator also noted in his 1992 memorandum that the applicant had requested a maximum lot coverage of 35% but recommended that the Board adhere to the 25% limitation, consistent with other PDs in the County.

CONSIDERATIONS/CONCLUSIONS

1. Although approved over ten years ago, Colony Pines has yet to begin construction. Wetlands issues with the Army Corps of Engineers necessitated a redesign of the project, resulting in delays and a reduction in the number of lots from 404 to approximately 250. A development plan for Colony Pines, Section One, consisting of 137 lots on 80.4 acres, was approved by the County in January 2003. No plan has been submitted for the remaining 47.2 acres; however, the developer has indicated that Section Two would consist of an estimated 120 lots and would be completed by 2007.
2. The County’s concern about residential lot coverage in Planned Developments dates back to 1987 and the approval of Coventry when, because of the small lot sizes that were proposed, staff recommended a limit on the ratio of building size to lot size to provide for development that would be aesthetically pleasing and not overcrowd the land. For Coventry this was accomplished with a maximum Floor Area Ratio (FAR) of 0.23 for single-story structures and 0.26 for two-story structures. (FAR is the ratio of livable floor area to the area of the parcel on which the building is located). This was later changed to a maximum lot coverage of 20% for single-story structures and 25% for two-story structures at the request of the developer of Coventry. Since then the Board has established a 25% limitation on lot coverage for single-family homes in almost every Planned Development in the County, including the Villages of Kiln Creek, Williamsburg Bluffs, and Colony Pines. For those planned developments approved under the Affordable Housing Incentive Provisions – such as Willow Lakes, Bruton Glen, and Endview Woods – bulk has been controlled through Floor Area Ratio rather than lot coverage (FARs of 0.35, 0.32, and 0.30 respectively).

3. Because of the redesign of Colony Pines and the reduction in the number of lots, the lots in Section 1 will be somewhat larger than was originally planned. The originally approved minimum lot size is 5,500 square feet, provided that the average lot size is at least 6,000 square feet. Instead, as shown on the approved development plan for Section 1, lots will range from 7,705 to 25,858 square feet in area, with an average of 10,865 square feet (almost twice the original average lot size). The 36 lots proposed for the increase in lot coverage range from 7,705 to 9,856 square feet, with an average of 7,986 square feet. If this application is approved, the corresponding maximum building footprints on these 36 lots – and maximum floor area since these would all be single-story homes – would range from 2,697 to 3,450 square feet, with an average of 2,795 square feet. The current lot coverage ratio would permit a house with a building footprint of 2,716 square feet on an average lot in the development and 1,926 square feet on the smallest lot.
4. The applicant is requesting these changes so that the lots in Colony Pines will be able to accommodate some of the same type and design of houses that are currently being built in The Greenlands and Sherwood Forest, both of which are *open space* or *cluster* subdivisions that did not require a change in zoning or any special approval from the Board. Colony Pines is not a cluster subdivision. Simply put, the cluster subdivision technique is one where land is essentially transferred from individual lots to common open space for the entire development. It provides for smaller lots than would ordinarily be permitted but with no increase in housing density. The remaining land (in York County, at least 40% of the gross acreage) is set aside for common open space, recreation space, or preservation of environmentally sensitive areas. When designed properly, the clustering of homes around large areas of contiguous common open space can give the appearance of larger lots and less development bulk than is truly the case. This development technique is generally more efficient and less costly than conventional subdivision techniques because it allows shorter roads and utility lines.

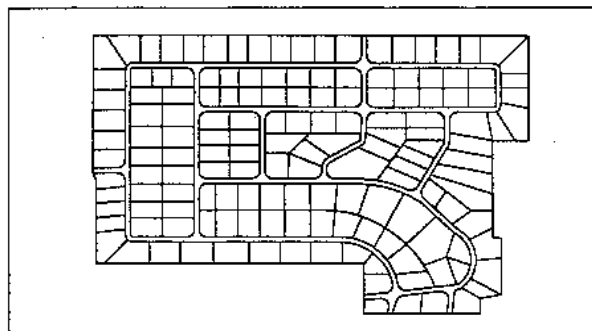


Figure 1: Conventional Subdivision

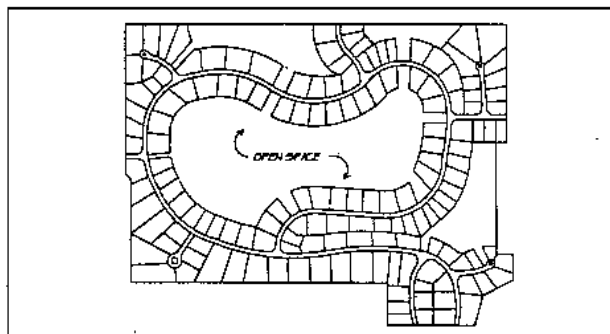


Figure 2: Cluster Subdivision

Although the PD provisions of the Zoning Ordinance share some of the same goals as the cluster provisions in terms of open space preservation and design flexibility, they are two different types of development. Unlike cluster subdivisions, Planned

Developments are permitted to mix residential and commercial uses – as well as different housing types – in a single development (and, in fact, Colony Pines was originally proposed as a mixed-use development). Planned Developments have a lower open space requirement (25% of the gross residential acreage and 20% of the gross non-residential acreage) and a higher recreation area requirement (10% of the gross residential acreage). Planned Developments also are expected to provide more extensive recreational facilities (e.g., swimming pool, tennis courts) than cluster subdivisions (e.g., open play fields, tot lots). Perhaps most importantly, all Planned Developments are individually reviewed and approved by the Board on a case-by-case basis, whereas a cluster subdivision can be developed as a matter of right in almost all residential zoning districts. In approving any given Planned Development, the Board does have the authority to modify the dimensional standards established by the Zoning Ordinance..

Lot sizes in Colony Pines are comparable to those in The Greenlands (7,405 to 25,265 square feet, with an average of 9,583) and Sherwood Forest (8,276 to 18,731 square feet, with an average of 10,890). Colony Pines, Section 1 does contain significant open space (34.2 acres, 32.9 of which consist of two large stormwater detention basins and a wetland area), although only eleven (11) of the 137 lots in Section 1 abut any significant open space. In fact, the layout of Colony Pines much more closely resembles a conventional subdivision than a cluster subdivision.

5. In 1992 when Colony Pines was originally under review, the applicant estimated that the homes would be sold in the \$110,000-\$135,000 range, which was a relatively moderate price range for single-family housing in the County at the time. In 2003 dollars, this equates to a home price of \$147,000-\$180,000 (based on the Consumer Price Index for Housing as reported by the U.S. Bureau of Labor Statistics). By comparison, 2003 house values in The Greenlands range from approximately \$200,000 to \$517,000, with an average value of \$290,000. In Sherwood Forest, house values range from \$182,000 to \$252,000, with an average value of \$205,000. Although it might not be realistic to expect homes in Colony Pines to be in the \$147,000-\$180,000 range (although such homes are currently being built in Vineyard Heights, Grand Oaks, and Yorktown Trace, as well as PD-AHIP projects such as Endview Woods and Willow Lakes), staff believes that to allow larger, presumably more expensive, homes in Colony Pines would not advance the County's housing affordability goals set forth in the Comprehensive Plan. It is significant, therefore, that the applicant has revised his original request by limiting the 35% lot coverage to one-story homes, thereby limiting the floor area – and thus the prices – of the homes. While it is true that larger, more expensive homes would generate more tax revenue that would help to offset the education costs associated with these homes, it is also true that single-story homes in today's housing market are especially attractive to – and are typically marketed to – older families that do not have school-age children.
6. Colony Pines abuts Newport News Waterworks watershed property and is subject to the provisions of the Watershed Management and Protection area overlay district. The County's Department of Environmental and Development Services has indicated that

the requested increase in impervious surface, if approved, could potentially affect water quality and the design of the stormwater systems.

PLANNING COMMISSION RECOMMENDATION

As stated earlier, this application originally sought to increase the lot coverage ratio to 35% throughout Colony Pines and reduce the minimum separation between homes from twenty (20) to fifteen feet (15'). The Planning Commission considered that request at its August 13, 2003 meeting and, subsequent to conducting a public hearing at which the applicant, his representatives, and two prospective homebuilders in Colony Pines spoke in support of the application, voted 4:2 (Mr. Heavner absent) to recommend denial. Since then, the applicant has modified his request, limiting the lot coverage component to one-story homes on 36 designated lots and deleting the building separation component entirely.

COUNTY ADMINISTRATOR RECOMMENDATION

Every Planned Development in York County is unique; it is the sum total of the site characteristics, design parameters, amenity package, market orientation, and conditions of approval that are unique to that project. As such, each PD is essentially a separate and distinct zoning district unto itself. When considering any Planned Development proposal, the Board balances the positive attributes against any negative attributes that might exist. In fairness to the applicant, however, it should be noted that through no fault of his own that balance has already been altered to his detriment (i.e., the reduction in lots resulting from wetlands impacts). Nevertheless, in the absence of a compelling reason it would not be appropriate to significantly alter the balance by selectively modifying the conditions after the fact, particularly for a development that did not receive overwhelming support from either the Board or the staff when it was first considered. (Colony Pines was approved by a 3:2 vote despite a recommendation of denial from the County Administrator.)

I do not believe that either an increased market demand for large houses or the added real estate tax revenue that would be generated by such houses is a compelling reason to dramatically deviate from the established residential design parameters originally adopted by the Board. The original proposal to reduce the minimum building separation raised significant concerns about fire risk because of the proximity of homes to one another, which would have increased the potential for fires to spread throughout the development as well as posing significant challenges for firefighters responding to an incident. For these reasons, staff recommended denial of the application as originally submitted.

The modified proposal, however, offers several advantages over the applicant's original request. Most importantly, the proposal to reduce the minimum building separation between homes has been withdrawn, thus eliminating staff's concerns with regard to the potential spread of fire. In addition, the proposal to limit the 35% maximum lot coverage to single-story homes, and on only 36 of 137 lots, helps to mitigate previous concerns with regard to excessive bulk. It should also be noted that the lots, at least in Section 1, will be larger than was originally planned; in fact, the *smallest* lot on the approved

development plan will be 28% larger than the *average* lot size on the Overall Community Concept Plan approved by the Board in 1992. As a result, even with a higher lot coverage of 35%, the smallest lot in Colony Pines will have more open space (65% x 7,705 square feet = 5,008 square feet) than the average lot in Colony Pines would have had with 25% lot coverage (75% x 6,000 square feet = 4,500 square feet). That, combined with the fact that no lots with 35% lot coverage would have a house with more than one story and that almost three-quarters of the lots (101 out of 137) will still adhere to the 25% maximum lot coverage, will help to ensure a diverse and aesthetically pleasing development where the houses do not overcrowd the land. In fact, denial of this application could preclude the development of one-story homes, resulting in a subdivision composed entirely of large two-story homes on relatively small lots. For these reasons, I believe the applicant's request for limited relief from the previously approved 25% lot coverage requirement is reasonable and therefore recommend that the Board amend the conditions of approval for Colony Pines set forth in proposed Ordinance No. 04-10. This language also includes an amendment to Condition 4 to clarify that the minimum side yard setback will be ten feet (10'). Experience has shown that setback requirements are easier to administer – for builders as well as staff – than minimum building separation.

Carter/3337:TCC

Attachments

- Excerpts of Planning Commission Minutes, August 13, 2003
- Zoning Map
- Revised Development Plan
- Maps of The Greenlands and Sherwood Forest
- Proposed Ordinance No. 04-10

Copy to: B. M. Millner, Esq.